

## Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 L-02 CIAE-00 INR-07 NSAE-00 RSC-01

TRSE-00 PRS-01 SY-04 SCCT-01 MC-01 INRE-00 SS-15

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DRAFTED BY ARA:CAR:DASTRASSER:JR

APPROVED BY ARA:CAR:JRBURKE

S/CCT:JGATCH(DRAFT)

JUSTICE:ARTHUR NORTON(DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE IMMEDIATE

C O N F I D E N T I A L STATE 020978

E.O. 11652: GDS

TAGS: PINS, PFOR, HA, US

SLBJECT: SANSARICQ ACQUITTAL

REFERENCE: PORT AU PRINCE 0191

1. FOLLOWING ARE RESPONSES TO INDIVIDUAL QUESTIONS POSED  
IN REFTEL:

A) PROSECUTING ATTORNEY ATTEMPTED TO ELIMINATE FROM TRIAL  
ANY INCLUSION OF ALLEGED HARRINGTON CONNECTION WITH CIA BY  
INTRODUCING IN PRE-TRIAL DISCOVERY CIA DOCUMENT DENYING  
CATEGORICALLY ANY SUCH CONNECTION. DURING TRIAL, HOWEVER,  
DEFENSE ASKED BOTH BONNIE HEDDERMAN AND CYNTHIA ABRAMS  
ABOUT STATEMENTS MADE BY HARRINGTON. HEDDERMAN TESTIFIED  
THAT HARRINGTON TOLD HER HE WAS A CIA AGENT. ABRAMS SAID  
HE HAD CLAIMED TO HAVE ONCE BEEN A CIA AGENT BUT WAS SO NO  
LONGER. PROSECUTION OBJECTION TO THIS LINE OF QUESTIONING  
WAS OVERRULED BY JUDGE.

B) DEFENSE MADE NO ALLEGATIONS CONCERNING CIA ACTIVITIES  
IN HAITI. IN FACT, ALTHOUGH CIA ISSUE WAS INTRODUCED AS  
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PART OF DEFENSE STRATEGY, TRIAL FOCUSED MUCH MORE ON

HARRINGTON'S DEA CONNECTION. HARRINGTON HAD, IN FACT, DEA CONTACT UP TO TWO OR THREE WEEKS BEFORE DEPARTURE FOR HAITI CONTACT WAS BEGUN WITH U.S. CUSTOMS SERVICE DRUG ENFORCEMENT OFFICER AND HARRINGTON AT ONE TIME TRAVELED TO ECUADOR FOR CUSTOMS SERVICE ON DRUG MATTER. DEA WITNESS DENIED

HARRINGTON WAS ON ASSIGNMENT BUT TOLD OF HARRINGTON'S EFFORTS TO OBTAIN DEA FINANCING FOR HAITI TRIP AND TESTIFIED THAT IF HARRINGTON HAD PROVIDED REASON RELATED TO ANTI-DRUG CAMPAIGN FOR HIS TRIP, HE MIGHT HAVE RECEIVED DEA BACKING. STATED FURTHER THAT IF HARRINGTON HAD RETURNED WITH VALUABLE INFORMATION, HE PROBABLY WOULD HAVE BEEN PAID FOR IT. THE DEA WITNESS ALSO CITED HAITI AS A DRUG TRANSIT POINT AND ALLUDED TO THE POSSIBLE INVOLVEMENT OF UNNAMED HAITIAN OFFICIALS IN THE DRUG TRAFFIC. DEFENSE, THUS, POINTED OUT THAT THOUGH HARRINGTON WAS NOT WORKING DIRECTLY FOR DEA, HE MAY HAVE BEEN WORKING TO DEVELOP INFORMATION FOR WHICH HE COULD LATER EXPECT TO BE PAID HANDSOMELY. SANSARICQ WAS PORTRAYED AS BEING INTERESTED IN HELPING HARRINGTON DEMONSTRATE THE INVOLVEMENT OF HIGH GOH OFFICIALS IN THE DRUG TRADE, CAUSING A CUT-OFF OF US ASSISTANCE, AND THE DOWNFALL OF THE DUVALIER REGIME.

C) THE JUDGE'S INSTRUCTIONS TO JURY WERE SPECIFICALLY TO CONSIDER THE STATUTORY VIOLATIONS RELATED TO THE ILLEGAL TRANSPORTATION OF EXPLOSIVES. HOWEVER, HE ALLOWED THE DEFENSE LAWYER TO INTRODUCE EXTRANEEOUS ELEMENTS AT SEVERAL POINTS IN THE PROCEEDINGS. DEFENSE WAS PERMITTED DURING JURY SELECTION TO MAKE WHAT WAS IN EFFECT A SPEECH IN WHICH HE RAISED THE SPECTRE OF A CIA LINK TO THE CASE. AT ONE POINT, HE ASKED FBI WITNESS TO IDENTIFY SERGE CHARLES AND NOTED GOH INTEREST IN FOLLOWING THE CASE. ON THE OTHER HAND, WHEN PROSECUTOR ASKED TO INTRODUCE PICTURES OF HARRINGTON'S BODY TO PROVE EXPLOSIVE HAD GONE OFF IMMEDIATELY IN FRONT OF HIM AND COULD NOT HAVE BEEN, AS DEFENSE ALLEGED, THE RESULT OF AN ASSASSINATION ATTEMPT, JUDGE REFUSED TO ADMIT PHOTOS ON GROUNDS THEY WOULD BE "INFLAMMATORY."

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D) IT IS NOT POSSIBLE, OF COURSE, TO MAKE MORE THAN AN ESTIMATE OF THE MIXED IMPACT UPON THE JURY OF THE FACTS AND THE DEFENSE ARGUMENTS. THE DEA CONNECTION, HOWEVER, SKILLFULLY MANIPULATED BY SANSARICQ'S LAWYER, UNDOUBTEDLY CREATED ENOUGH OF A "SMOKESCREEN" TO CLOUD OVER POINTS OF LAW IN CASE. IN ADDITION, DEFENSE ARGUED THAT SANSARICQ HAD MERELY AIDED HARRINGTON, A FRIEND, BY DRIVING MISS HEDDERMAN TO THE BOAT AND WAS UNAWARE OF

THE REAL CONTENTS OF THE BAG HE HANDED HER.

E) PROSECUTION BROUGHT OUT SANSARICQ'S ANTI-GOVERNMENT ACTIVITIES AND SENTIMENTS CALLING TO THE STAND FBI AGENT WITH WHOM SANSARICQ HAD CONSIDERABLE CONTACT AND MAX NICOLAU, FELLOW EXILE AND FRIEND OF SANSARICQ. NICOLAU

TOLD OF SANSARICQ'S ROLE IN 1968 INVASION ATTEMPT AND INVASION PLANNING OF 1970. DEFENSE, HOWEVER, DREW FROM WITNESSES TESTIMONY THAT IN PAST SANSARICQ HAD METICULOUSLY AVOIDED USE OF US SOIL FOR ARMED ANTI-GOVERNMENT ACTIVITY AND OTHERWISE HAD NOT VIOLATED US LAW. SUCH ACTIVITY, IT WAS CLAIMED, HAD TAKEN PLACE IN THE BAHAMAS OR THE DOMINICAN REPUBLIC. ALSO, AFTER PORTRAYING SANSARICQ AS A GRAND-STYLE REVOLUTIONARY (INCLUDING MENTION OF HIS TESTIMONY BEFORE THE SENATE) DEFENSE ARGUED THAT HE WOULD NOT STOOP TO SMALL-TIME HARASSMENT TACTICS SUCH AS SENDING A MERE 10-15 LBS. OF EXPLOSIVES INTO THE COUNTRY.

F) ONE CAN ONLY HOPE THAT DEATH OF HARRINGTON AND NEAR IMPRISONMENT MAY BLUNT SANSARICQ'S ENTHUSIASM FOR FUTURE ILLEGAL ACTIVITY AGAINST THE GOH. THE HIRING OF ONE OF MIAMI'S TOP DEFENSE LAWYERS, NEIL SONNET, MUST HAVE ALSO BEEN A FINANCIAL SETBACK. SINCE SANSARICQ HAS BEEN ACQUITTED, US AND LOCAL AGENCIES HAVE NO REASON CONTINUE SURVEILLANCE ON REGULAR BASIS. HOWEVER, FBI AND LOCAL POLICE IN COURSE OF CONTINUING MONITORING OF HAITIAN EXPATRIATE ACTIVITIES WILL BE ON ALERT FOR ANY SIGNS OF RENEWED ACTIVITY ON PART OF SANSARICQ.

G) PROSECUTION OBJECTIONS PREVENTED DEFENSE FROM DRAWING STATEMENTS FROM WITNESSES ABOUT THE NATURE OF THE CONFIDENTIAL

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HAITIAN REGIME, HOWEVER, QUESTIONS WERE POSED BY THE DEFENSE BEFORE BEING DISALLOWED AND MAY HAVE HAD IMPACT ON JURY. SANSARICQ DID NOT TESTIFY IN HIS OWN DEFENSE.

H) TRIAL WAS LOW KEY. DEPARTMENT UNAWARE OF ANY MEDIA COVERAGE, BUT SHOULD IT SURFACE WILL FORWARD TO POST.

2. COL. ACHILLE LEFT (FOR NEW YORK) IMMEDIATELY FOLLOWING HIS OWN TESTIMONY AND BEFORE END OF TRIAL. SERGE CHARLES FOLLOWED THE TRIAL THROUGHOUT, ACCOMPANIED ON OCCASION BY VICE CONSUL ELAIN CLAUDE OF HAITIAN MIAMI CONGEN. ACCORDING TO JUSTICE LAWYER, CHARLES DID NOT APPEAR UPSET BY TRIAL OUTCOME, BUT WAS SOMEWHAT SURPRISED THAT US JURY SYSTEM REQUIRES UNANIMOUS VOTE OF GUILT BY JURORS.

3. IN SUM, AS UNPALATABLE AS SANSARICQ TRIAL OUTCOME  
MAY BE, IT MUST BE VIEWED AS THE RESULT OF US SYSTEM OF  
LAW IN WHICH JURORS MUST BE CONVINCED OF GUILT "BEYOND A  
REASONABLE DOUBT." SKILLFUL DEFENSE MANIPULATION OF  
HARRINGTON'S UNDENIABLE DEA LINKS, ALLEGATIONS THAT

HARRINGTON MIGHT HAVE BEEN ATTEMPTING TO BLOW UP A DRUG  
CACHE, AND THE CIRCUMSTANTIAL NATURE OF SANSARICQ'S  
CONNECTION TO THE EXPLOSIVES APPARENTLY STIMULATED THIS  
DOUBT. WHILE JUDGE ON BALANCE PROBABLY ACTED TO FAVOR  
THE DEFENSE, HE DID NOT SHOW HIMSELF TO BE GROSSLY UN-  
FAIR OR PREJUDICED. JURY, WHICH INCLUDED BUSINESSMEN AND  
WOMEN, WAS CONSIDERED "GOOD" BY JUSTICE LAWYERS. KISSINGER

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